

**THE WEST BENGAL CLINICAL ESTABLISHMENT  
REGULATORY COMMISSION.**

**Present: Justice Ashim Kumar Roy, Chairperson.**

**Dr. Sukumar Mukherjee, Member.**

**Dr. Gopal Krishna Dhali, Member.**

**COMPLAINT ID:KOL/2018/000386.**

**Mr. Anujit Kumar Mukherjee.....Complainant.**

**-versus-**

**Priyambada Birla Aurovinda Eye Hospital & Others.....Respondents.**

**Date of judgment: 20<sup>th</sup> Nov, 2018.**

**J U D G M E N T.**

The complainant Mr. Anujit Kumar Mukherjee, alleging medical negligence against the treating doctor and the supporting staffs submitted his letter of complaint before the Commission.

2. The allegation made in the aforesaid complaint are as follows,

On 01.05.2018 the complainant visited OPD of Priyamvada Birla Aravind Eye Hospital (hereinafter referred to as "the said hospital") for routine eye checkup. During the last phase of testing he was called by Dr. S. Gupta for the glaucoma test. The eye drop which is basically anesthesia was given in his two eyes by the support staff. Then one lens type object round in shape was inserted in his right eye. However, the lens dropped from his eyes on the table and again Dr. S. Gupta inserted the same lens in his right eye and asked the support staff to hold the lens. During this time, both doctor and

One supporting staff were busy talking with each other. The topic was that Dr. S. Gupta is free and he is not getting adequate patient. The supporting staff was replying that the other doctors are taking away the files. However, they were not paying the attention that how much pressure was given in his eyes, as he was administered with anesthesia, he could not understand that how much damage was being caused in his right eye. After taking out the equipment from his eyes, the same was put in his left eyes. During the course of action, the doctor realized that something has gone wrong in his right eye. He informed the complainant but that his right eye became reddish but for that nothing to be worried. After she came out from the chamber, he asked his wife Smt. Sanchita Mukherjee to check as to what happened in his eyes. Looking at his eyes she started screaming. The complainant immediately went to the wash room to see his eyes himself in the mirror and was shocked to find his eyes were filled with blood. This shows during the test the negligence had happened which resulted in the damage of his right eye. He then again went to Dr. Gupta's chamber and complained that he came for routine eye checkup with normal eye but he has damaged his right eye. He replied that this was simple internal hemorrhage and would be cured within four weeks. Thereafter, he tried to contact CEO, Mr. Tandon but he was not available. He then met two other doctors and one of them told that this injury has been caused due to negligence. On the next day, he went for a second opinion to another hospital and the doctor examined him and also found it was due to negligence and shall take 3-4 weeks for resurrection.

3. Having received the letter of complaint, a notice was issued against the clinical establishment and the entire treatment sheet was called for.
4. Hearing then took place in presence of the parties and the treatment sheets brought before the commission were thoroughly examined by the medical members of the Commission and their valuable opinions were obtained.
5. We find that Mr. Anujit Kumar Mukherjee went to the said hospital on 01/05/2018 at 10-58 AM for regular ophthalmic examination. He has background



History of T204.HTN and dysthalmic. His medical record is 323131. He was called for Glaucoma check up by Dr.S. Gupta during last phase of testing. Local anaesthesia were put on both eyes. Then one lens type round in shape was inserted in his right eye but same came out and dropped on the table. Again Dr. S. Gupta inserted the said lens in the same eye and asked the support staff to hold the equipment. During this time the both the doctor and support staff were busy talking with each other and paid no attention to him. Since the complainant was under anesthesia he could not understand how much damage has been caused in his right eye. After taking out the lens from his eye the same was put in his left eye. During procedure the doctor realised that something has gone wrong.

6. Ophthalmic surgeon, Dr. S. Gupta, who did the procedure, was present in person at the time of hearing and submitted as follows,

Applanation tonometry was done under local anaesthesia and revealed intraocular pressure was 12 mm Hg in both eyes. **Gonioscopy** revealed open angles in all quadrants in both eyes. A subconjunctival **haemorrhage** was noted in right eye after **gonioscopy**. There was no conjunctival Laceration seen in right eye. The patient was informed and counselled that the subconjunctival haemorrhage will not affect his vision and does not require any treatment as it will resolve in its own in 2-3 weeks. Thereafter the patient was also seen in Corneal clinic and was advised the same along with advice to use Cold Compress and Carboxymethylcellulose (0.5%)- refresh tears eye drop 2 times daily and requested to review after 4 days.

However the patient went to Sankar Netralaya for second opinion wherein subconjunctival haemorrhage was also endorsed and same medicine was given.

7. Now from the materials on record, we find the following observations,

a. Tonometry was done both on right and left eye.



- b. Post gonioscopy anterior subconjunctival haemorrhage happened on right eye only and not left eye.
- c. Due attention during the procedure on right eye was not visible as Dr. Gupta was having constant interaction with support staff on personal topics unrelated to the procedure.
- d. The procedure on left eye was uneventful because of due care.
- e. There is no scientific literature support on prevalence of subconjunctival haemorrhage following goniometry.

8. In our opinion, the allegations made in the complaint tends to make out, if at all, a case of medical negligence which is beyond the purview of the Commission and ought to be adjudicated by the State Medical Council. However, we have no second thought that every doctor should be very careful and alert while conducting the procedure as above and be cautioned to maintain proper approach with due care and professionalism than showing a casual and lackadaisical attitude. The complainant certainly had some temporary distress and mental traces of acute subconjunctival haemorrhage but no loss of vision occasioned. No case for awarding compensation to the complainant has been made out.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Gopal Krishna Dhali, Member.

Sd/-

Justice Ashim Kumar Roy  
Chairperson.

*Authenticated*



ARSHAD HASAN WARSI  
WBCS (Ex)

Secretary  
W. B. C. E. R. C.